



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,973	10/20/2003	Ronny Dewinter	7330	8663

7590 06/17/2004
SHLESINGER, ARKWRIGHT & GARVEY LLP
3000 South Eads Street
Arlington, VA 22202

EXAMINER

RHEE, JANE J

ART UNIT PAPER NUMBER

1772

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,973

Applicant(s)

DEWINTER, RONNY

Examiner

Jane J Rhee

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/20/03</u> | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto et al. (5224595) in view of Frech (WO 96/02715).

Sugimoto et al. discloses a closed reinforcement fiber package comprising a package material which is disintegratable in concrete (col. 1 lines 60-61), and a plurality of reinforcing fibers being provided loosely in the reinforcement fiber package (col.5 lines 31-32). Sugimoto et al. discloses that the plurality of reinforcing fibers is made of steel (col. 5 lines 13-14).

Sugimoto et al. fail to disclose that the plurality of reinforcing fibers being provided in a substantially mutually parallel position in the reinforcement fiber package and the filling degree of reinforcing fibers of at least 75%. Sugimoto et al. fail to disclose that the length of the reinforcing fibers is substantially the same as the length or width of the package and are provided lengthwise or widthwise in the package.

Frech teaches fibers of a given length being provided in a substantially mutually parallel position which are wound in a bunch and held together by a casing material of reinforcement fiber package of at least 75% as shown in figure 1, for the purpose of

being bagged, stored, and transported in a considerably reduced volume (English abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide fibers in a substantially mutually parallel position in the reinforcement fiber package of at least 75% in order to be bagged, stored, and transported in a considerably reduced volume (English abstract) as taught by Frech.

Frech teaches that the fibers are the length of the package and are provided lengthwise in the package (figure 1) for the purpose to wind the fibers in a bunch and hold them together by a casing material (abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Sugimoto et al. with fibers that are the length of the package and provided lengthwise in the package in order to wind the fibers in a bunch and hold them together by a casing material (abstract).

As to the length of the reinforcing fibers being the same width of the package and provided widthwise in the package, it would have been an obvious matter of design choice to provide the length of the fibers being the same as the width of the package, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Furthermore, providing the fibers widthwise in the package would have been obvious to one having ordinary skill in the art at the time the invention was made, since

Art Unit: 1772

it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

2. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto et al. in view of Fech and in further view of Romagnoli (3813848).

Sugimoto et al. and Fech discloses the closed reinforcement fiber package described above. Sugimoto et al. fail to disclose a chain packing wherein a number of closed packages are joined to each other in a line. Romoagnoli teaches a chain packing wherein a number of closed packages are joined to each other in a line for the purpose of having a package made in a high speed packaging machine (col. 1 line 10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Sugimoto et al. with a chain packing wherein a number of closed packages are joined to each other in a line for the purpose of having a package made in a high speed packaging machine as taught by Romagnoli (col. 1 line 10).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Ahmad can be reached on 571-272-1487. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jane Rhee
June 10, 2004


NASSER AHMAD
PRIMARY EXAMINER
6/14/04